

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 24, 1999**

**DIVISION TWO**

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B119923      Cancel  
                 v.  
                 Centinela Hospital

Merits:  
Argued by Gary Carlin for appellant and by Adrian Guidotti for respondent.  
Cause submitted.

B117279      Wong  
                 v.  
                 United National Bank

Merits:  
Argued by Gregory Grantham for appellant and by David Ozeran for respondent. Cause submitted.

B109885      Young  
                 v.  
                 City of Los Angeles

Merits:  
Argued by Michael Klekner for appellant and by Stephen Jones for respondent. Cause submitted.

Mallano, J. (Assigned) leaves the bench.

## DIVISION TWO (Continued)

B118928      Faulkner  
v.  
City of Los Angeles

Merits:

Argued by Mattye Faulkner appellant in propria persona and by Katharine Hamilton, deputy city attorney, for respondent City of Los Angeles. Cause submitted.

B131928      Kuhn  
v.  
Folwell  
(Bowen, r.p.i.)

**Motion to Dismiss:**

Argued by Marilyn Scheer for respondent and by Mary Gillick for appellant. Brad Baker for respondent Folwell waives argument. Cause submitted.

Court adjourned.

DIVISION THREE

B129260 People (Not for Publication)  
v.  
Jenkins

The Court:

The judgment (order granting probation) is affirmed.

Klein, P.J., Croskey, J., Aldrich, J.

### DIVISION THREE (Continued)

B132402 Martha N. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B124763 Bastion Capital Fund, et al. (Not for Publication)  
v.  
CIBC Wood Gundy Securities Corp., etc.

The order of dismissal is reversed. The trial court is directed to vacate its order sustaining CIBC's demurrer without leave to amend, and to enter a new order sustaining the demurrer as to the cause of action for breach of contract with leave to amend, and sustaining the demurrer without leave to amend as to the cause of action for negligent misrepresentation. Bastion is awarded its costs on appeal.

Croskey, Acting P.J.

We concur: Aldrich, J.  
Schneider, J. (Assigned)

B125361 Margaret M. Galbraith (Not for Publication)  
v.  
George McKovich, III

The order is affirmed. Costs on appeal are awarded to respondent Margaret M. Galbraith.

Aldrich, J.

We concur: Klein, P.J.  
Schneider, J. (Assigned)

DIVISION THREE (Continued)

B116483      Glenda H. Sherman      (Not for Publication)  
v.  
Hughes Aircraft Company, etc.

The judgment is affirmed. Hughes is awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Schneider, J. (Assigned)

B126595      People      (Not for Publication)  
v.  
Cooper et al.

With regard to appellant Freddie O. Cooper, the abstract of judgment shall be modified to impose a sentence of two years each for count II and count III, to run concurrently. These sentences should not be imposed pursuant to Penal Code section 1170.1, subdivision (a). The abstract of judgment is to be modified to impose a Penal Code section 1202.4, subdivision (b) fine in the sum of \$1,800 and judgment is to reflect a section 1202.4, subdivision (b) fine in the sum of \$1,800 and imposition of that fine shall not be stayed, and additionally the abstract of judgment is to reflect a section 1202.45 fine in the same amount. In all other respects, the judgment is affirmed. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward it to Department of Corrections.

With regard to appellant Acquanelle Burger, the abstract of judgment shall be modified to reflect the imposition of a \$1,200 fine pursuant to Penal Code section 1202.45. In all other respects, the judgment is affirmed. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward it to the Department of Corrections.

Aldrich, J.

We concur: Croskey, Acting P.J.  
Schneider, J. (Assigned)

### DIVISION THREE (Continued)

B126201      Hong S. Han, et al.      (Not for Publication)  
v.  
Jamshid Iran, etc.

The order is affirmed. Costs on appeal are awarded to plaintiffs.

Defendant's counsel is ordered to serve a copy of this opinion on her client within 10 days of issuance of the remittitur, and thereafter file with this court a declaration attesting to the fact that such service was completed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Schneider, J. (Assigned)

## DIVISION FOUR

B124313 Shaw (Not for Publication)  
v.  
Mehta

The order of dismissal and the order denying the motion to set aside the dismissal are affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B125686      Woodburn      (Not for Publication)  
v.  
Heffner

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B114741      Isacson                                  (Not for Publication)  
v.  
Spensley, Horn, Jubas and Lubitz

The judgment in favor of respondents Spensley, Horn and Finkel is reversed. Appellant is awarded his costs on the appeal from the judgment as to those respondents. The judgment in favor of respondent Loeb & Loeb is affirmed. Loeb & Loeb is to recover its costs on appeal from appellant.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B124667 Contreras (Not for Publication)  
v.  
Deluna

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B127977      Gendreau      (Not for Publication)  
v.  
Bellflower Unified School District

The judgment is affirmed. Costs on appeal are awarded to Gendreau.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

September 24, 1999-Continued

DIVISION FIVE

B127044 People (Not for Publication)  
v.  
Rayford Wilkerson

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                   Godoy Perez, J.